

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,
Plaintiff

Honorable Nancy G. Edmunds

v.

Case No. 06-CR-20465

RONALD HATMAKER,
Defendant.

MOTION FOR COMPASSIONATE RELEASE
PURSUANT TO 18 USC § 3582 (c)(1)(A)(i)

Now Comes Defendant, Ronald Hatmaker ("Mr Hatmaker"), by pro se, and hereby respectfully moves this Court for Compassionate Release pursuant to 18 USC § 3582 (c)(1)(A)(i). Mr. Hatmaker understands that a pro se pleading "is to be liberally construed... and... must be held to a less stringent standard than formal pleading drafted by lawyers." *Erickson v. Pardus*, 551 US 89 (2007). "At this stage of proceedings, the Court must read petitioners pro se complaint indulgently and accept Petitioners allegations as true, unless they are clearly irrational or wholly incredible." *Denton v. Hernandez*, 504 US 25, 33 (1992); also *Haines v. Kerner*, 404 US 519, 520 (1972).

In the following Motion, Mr. Hatmaker will show that the ongoing COVID-19 pandemic and his compromised health together present extraordinary and compelling reasons to end his continued incarceration. Due to lockdowns at Mr. Hatmakers facility he has no access to the law library, no way to type a Motion and no ability to make copies. He is requesting counsel be appointed to him at this time, so he can have the best chance at a fair and just result.

I. Introduction

Mr. Hatmaker was found guilty of violation of the RICO ACT and sentenced to 188 months. Mr. Hatmaker is currently incarcerated at FCI Hazelton in West Virginia. He has an expected release date of Dec. 2024. He has medical history including, Heart Trouble, Hypertension, Heart Disease. He is scheduled for an Echo Cardiogram and is currently taking Isosorbide Mononitrate, Lisinopril, Diltiazem ER, Hydrochlorothiazide, Aspirin, to name a few. He has had Beye Surgeries while incarcerated, he has had one knee replacement, but needs a second one. He has a family history of Heart Failure (his father past at 62) and Lung failure (His mother past at 52).

Should Mr. Hatmaker be released, he will stay with his sister in Bellville, MI. He has taken many classes while incarcerated, including RDAP and Carpentry. Before his arrest he was running an MMA Gym. He is now 62 years old and has been shot free for many years. He is currently housed in the "Honor Dorm" where he is held to a higher standard and must remain shot free. Mr. Hatmaker knows the time he has spent in prison has given him a new outlook on life.

II First Step Act and Compassionate Release

Federal courts are empowered to grant defendants a "Compassionate Release" where "Extraordinary and Compelling reasons" (including medical conditions, age, family circumstances and "other reasons") would "warrant such a reduction." (See 18 USC § 3582 (c)(2)(A)(i); see also USSC § 1B1.13, comm. n. 1 (A)). Since the First Step Act, inmates may now file their own Motion if they have first requested that the BOP do so and wait "30 days from the receipt of such a request by the Warden of defendant's facility." (18 USC 3582 (c)(1)(A)). In this case, Mr. Hatmaker sent his request to the Warden on Nov. 12, 2020 and has not received a response back as of the writing of this motion. It is Mr. Hatmaker's belief that he very well may never get a response to his request.

III. COVID-19 and Compassionate Release

As of November 2020 there were over 130 inmates that had already died in federal prisons according to the BOP's website. For this reason, most would agree that "health conditions that place an individual at an elevated risk of serious illness or death from COVID-19 can constitute extraordinary and compelling reasons in the context of the current pandemic." See *United States v. Lockhart* No 11-cr-231 (E.D. NY, July 29, 2020) (in which not even the Government seriously challenged the proposition.). Mr. Hatmaker understands that just because the pandemic is happening isn't a reason to release people from prison, but how many deaths in Federal Prison would it take to be extraordinary and compelling reasons? Mr. Hatmaker's health conditions place him at high risk according to the CDC's website. No matter what the BOP says it has not stopped the spread of COVID-19 inside Federal Prisons. The Department of Justice Office of the Inspector General (DOJ OIG) has stated in a report (<http://oig.justice.gov/site/default/reports/20-096.pdf>) that not only was there a lack of testing in the BOP, but there was a serious lack of medical supplies and staff. The report went on to state, where there was testing for COVID-19 wide spread, there was a high percentage of positive cases.

So how can we know the true numbers, when testing is not done consistently? We can't. But even where testing has found positive cases have been found, sometimes the inmates who were infected are left inside housing units with non-infected inmates. Such as the case in Oakdale Louisiana Federal Complex (USA Today Nov 18 "Protocols lacking...") were over 100 Asymptomatic inmates were left in the housing unit after testing positive. Not only putting inmates at risk, but the staff was not informed they would be working with infected inmates. The BOP in that complex stated they did nothing wrong... how can we trust our safety to that kind of "care".

Inmates at Hazelton FCI have asked why there isn't more testing and the response has been "What is the point, if you have serious symptoms let us know." So even here at FCI Hazelton there could be Asymptomatic Inmates with Mr. Hatmaker and the BOP is making no effort to find that out. No matter what the BOP says, not testing is not a valid way to control COVID-19 numbers. 130 plus deaths should prove that, but the BOP doesn't seem concerned. With Mr. Hatmaker's health issues and the lack of control of the pandemic in Federal prisons do constitute extraordinary and compelling reasons to release Mr. Hatmaker.

III Mr. Hatmaker is not a danger to the public.

Mr. Hatmaker is 62 years old. He has less than four years left on his sentence and has battered himself while incarcerated. He has a place to go and a plan to take care of himself once released. In this case Leonard Moore, the "godfather" of the Highwaymen Motorcycle Club was released on compassionate release. Mr. Moore was a co-defendant of Mr. Hatmaker and the leader of the group Mr. Hatmaker was charged with. It would seem if the leader of what prosecutors called Detroit's largest and most violent motorcycle club would not be a risk to the public, Mr. Hatmaker can see no reason why the Court would find him a danger. (see Detroit news mid to late Nov article "Judge frees Highwaymen motorcycle club 'godfather'.") Mr. Hatmaker's Heart troubles, Hypertension, Heart Disease, knee implants, hernia all combined must be seen as extraordinary and compelling reasons when combined with COVID-19. Even though the BOP claims the outbreak is controlled, the always rising positive cases and even deaths speak a different story. Mr. Hatmaker prays this Court sees the value of what he has brought to them and releases him to go home.

Respectfully Submitted
Ronald Hatmaker (1/18/21)
 Ronald Hatmaker # (date)

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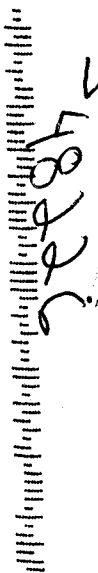
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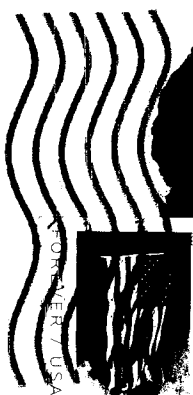
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